

# FISCAL NOTE

## SB 1198 - HB 1721

March 31, 1997

**SUMMARY OF BILL:** Revises procedures for grievance hearings for higher education support staff employees. Present law gives support staff the right to a hearing for demotion, suspension without pay, or termination for cause. For issues involving discrimination and harassment, the employee may choose either the hearing or the panel hearing under the Uniform Administrative Procedures Act. While retaining these provisions, under this bill, the appointing authority would have to establish by a preponderance of the evidence at the hearing that the adverse job action was either:

- (1) Progressive discipline beginning at the lowest appropriate step for a proven area of misconduct; or
- (2) A job furlough, demotion, or termination pursuant to a bona fide layoff or reduction-in-force plan.

If the employee gains reinstatement, a reduction in disciplinary action, or otherwise successful in the hearing, the employee would receive attorney fees and legal expenses at the prevailing market rate.

### ESTIMATED FISCAL IMPACT:

#### Increase State Expenditures - Less than \$100,000

The increase in state expenditures will be dependent upon the number of grievants who are successful in such proceedings and who receive attorney fees and legal expenses, back pay and/or other awards. This estimate assumes approximately 15 hearings a year with five of these cases ruled in favor of the grievant at a cost of approximately \$15,000 each for attorney fees, legal expenses, reinstatement of back pay or other awards.

### CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director